

Kentucky



Gazette.

TWO DOLLARS AND A HALF PER ANNUM.
NEW SERIES—No 44.—Vol. 2.

True to his charge—he comes, the Herald of a noisy world: News from all nations, jumbling at his back.
LEXINGTON, KY. FRIDAY EVENING, NOVEMBER 4, 1825.

SPECIE IN ADVANCE.
[Vol. XXXIX]

Miscellaneous.

FROM THE LONG BOX.

On the 10th inst I was at a dinner given by Mr. Dalrymple, at his own house. It was Mr. Dalrymple's birth day and on which he had arrived at the 70th year of his age. The invitation had been general to all his neighbors and acquaintances; and from the great respect in which he was held by all who knew him, the course was very great indeed. It was but a short time before dinner when I reached Mr. Dalrymple's; from which time until dinner was announced no kind of refreshment whatever was offered to the company.

About 4 o'clock Mr. Dalrymple informed the company that dinner was ready, and invited them to follow him: He conducted us into a very large shed, with rough walls lathed and filled with mortar, an earthen floor but ceiling above; in this shed the dinner table was set.

The dinner consisted of Bacon, greens & hominy principally, with coarse hoe-cake and Jonny cake bread, made of corn meal. The bacon and greens were served up in large turned wooden dishes or platters and the plates were of the same kind of manufacture. At short intervals on the table, stood wooden cans with water in them. The knives and forks were of the coarsest kind. The table was of oak wood, clean scoured—but there was no table cloth.—The seats were benches & three-legged stools—no servant attended the table, nor was it necessary; for every thing intended to be used at dinner was on it.

Mr. Dalrymple invited his guest to sit down, and when they were seated he asked a blessing and then pressed them to help themselves, to such as was before them; and by way of example to the rest he helped himself.

The company stared at each other and then at Mr. Dalrymple, and secretly cursed him and his dinner in their hearts; but from the great respect they had for him, said nothing, but helped themselves to some small part of the dinner.

As soon as the guests began to eat which they did merely out of respect, Mr. Dalrymple gave a signal by blowing a small gourd, when in rushed half a dozen servants, cleaned dressed in coarse homespun cloth, who laid hold of the table and all that was on it, and instantly ran it out of the shed, and returned with a neat plain walnut table, with a clean but coarse linen cloth, and an excellent dinner in pewter dishes, all bright & clean; the dinner consisted of excellent ham, roast beef, lamb, shant and fowls with vegetables of the best kind, and well cooked; bright pewter plates with good buckhorn knives and forks now supplied the place of the wooden ones—and instead of wooden cans, were placed on the table at proper intervals small stone pithers, filled with excellent persimmon beer or cider, within the reach of each seat. The stools and benches were also removed, and their places supplied with plain flag-bottomed chairs.

This transformation of the table and its furniture, not only dissipated the chagrin visible in the countenance of the guests; but excited their appetites, so that they dined plentifully, as there was a great variety of choice meats and vegetables on the table.

When Mr. Dalrymple discovered that the company had dined, he gave another signal with his gourd and immediately two dozen French waiters rushed into the room, dressed in livery, clean shaved and profusely powdered—Out went the walnut table with its contents and the whole furniture of the room. The floor was instantly covered with a rich Turkey carpet, and the walls with fine silk tapestry and an elegant Mahogany table and side-board brought in. The table was covered with three of the finest diaper cloths, and a most splendid desert, composed of the most fashionable pastry of every description, sweet meats and fruits of the most choice kinds, served up in fashionable plate, the finest China, and superb cut crystal glass vessels; whilst the side-board groined under a profusion of choice wines, cordials strong waters, &c. &c. so that nothing was wanting to tempt the palate or excite the appetite of the greatest epicure.

Pleasure now beamed in every countenance, whilst the sparkling glass was emptied to the health of Mr. Dalrymple; and as the company appeared disposed to enjoy themselves, Mr. Dalrymple prepared to withdraw, and leave them free from that restraint which is natural in the presence of an old and respectable man; but before he retired he addressed them in substance as follows:

My worthy friends this is my birth day, on which I number three score and ten years which seems to have been considered by the psalmist as the limit of human life. I cannot express the pleasure I feel at seeing so large a collection of my respectable friends and acquaintances on the occasion; and before I leave you I consider it a duty I owe to you as well as to myself to explain my conduct in the arrangement of this day's entertainment; and especially that I may avoid the charge of being under the capricious influence of old age. It has been the practice of many people at all times ever since the period of my earliest recollection, to complain of hard times in a scarcity of money; and as I never had experienced either myself, I conceived the project of convening my friends together on this day and to demonstrate to them by familiar example the reason.

At the age of twenty two years I married an industrious young woman, and went to house keeping: As we were both poor we were unable to procure better furniture than was this day exhibited in the first course (for you must know that was a fundamental principle with me from the beginning, never to owe a single penny to which principal I have scrupulously adhered during my whole life.) By industry and frugality we were in a few years enabled to adopt that

style of living exhibited in the second course, and which we have not changed to the present time: For I never suffered the example of others to induce my mode of living, especially when it tended to affect my pecuniary concerns. In this manner have I spent nearly half a century, happily with my family and friends, raised and educated seven children, and furnished them with means to begin the world, and am now in possession of a competency, to support me during the remainder of my life, if managed with the same prudence that has been observed in acquiring it. As I made it also a rule, always to spend less than my annual income, every New-year found me in the possession of a surplus, I consequently never have myself experienced either hard times or a scarcity of money.

Many of my contemporaries who inherited large real estate, began the world by adopting the style of living now before you; ambitious to excel each other, they suffered themselves to be influenced by example, indulged in the most extravagant furniture, dress, equipage &c. and trusting the management of their estates to stewards as profligate as themselves; their expenditures greatly exceeded their income, and their estates soon melted away like snow in a summer's day. It is such as these and all who have followed their example, that have, and always will experience hard times and want of money, while those who adopt first the oak table and its furniture with the determination never to owe any man; and who makes it a point every year to spend less than his income; may soon adopt that style represented in the second course of this day's entertainment, which with industry and economy he may continue through life. But he who adopts the stile now before you, let his wealth be what it may, will most assuredly be cursed with hard times and the want of money, and become degraded far below the standard of the oak table.

ADIEU.

The old gentleman retired under shouts of applause from all present for his ingenuity in giving such wholesome advice in so impressive a manner.

Patuxent, July 27, 1757.

POLITICAL.

To the Editor of the Kentucky Gazette.

DEAR SIR—Mr. Nelson Nicholas, Editor of the Kentucky Gazette, having come out as large as life in a professional legal argument against the Decision of JUDGE BROWN, granting a new trial in the case of Isaac B. Desha; and in a vindictive strain of decent billingsgate against the Judge, and most others in authority; and he being the first, and only individual, who has favored the public with an investigation of the Decision upon legal principles, may rest assured that his remarks shall receive particular attention. Judge Brown and his friends are only solicitous for a fair examination of his opinion and conduct; but this they are not left ground to hope for, from the specimen already afforded. Just listen to the inconsistency of the editor, in his three first numbers. In No. 1, speaking of Judge Brown, he says: "Entertaining for him the highest personal regard." &c. Thus, the editor entertains, as he says, the highest personal regard for the Judge. If he understood himself, I should infer that he had a personal acquaintance with the Judge; and having such acquaintance he, in common with others having such opportunity, entertained for him such sentiments; founded, I presume, upon the supposed purity of the Judge's principles, and the correctness of his deportment. Now, one standing in this relation, it were to be expected, would slowly and reluctantly give up their good opinion of an individual; would take the time necessary to ascertain facts; would state them fairly; and then reason as favorably as they would authorize, against him. Yet, are you prepared to believe it? In No. 2, this paragraph of taste and sentiment thus speaks of the Judge, for whom, but a few days, nay, hours, before, he had the highest personal regard: "In our next paper we shall demonstrate to the world, that this gentleman is unworthy of his station." Insinuates that the Governor used undue means to influence the Judge; and that his decision was not the honest result of his judgments; and in No. 3, he proceeds to indulge, as I shall presently show, in misstatements of fact, misquotation; of law, in light sophistical reasoning, and in low suspicion and abuse; which, knowing Judge Brown as the editor did, was false and wicked.

From respect to the public, to whom information is designed, and for whose good opinion Judge Brown and his friends feel the greatest solicitude, I will leave unnoticed many epithets and remarks of this new editor, with whom Judge Brown seems to have been a favorite, and hasten to his examination of the decision. He says: "Judge Brown has granted Desha a new trial after his second conviction, upon the assumed ground, that it was not proved the offence was committed in Fleming." This is false; the ground was not assumed, but real. There was no evidence in the cause, proving the county in which the offence was committed; and upon the argument for a new trial, this fact was distinctly conceded by the Attorney for the Commonwealth. But the editor urges, as evidence that the offence was committed in Fleming, the finding of the indictment by the grand jury, and the verdicts of two petit juries. Who ever heard before, that the finding of a grand jury was a part of the evidence, on a trial before a petit jury? or that the verdict of a jury on a former trial, when a new trial had been granted, was to be considered as evidence upon the second trial? or, when the question was the conformity or repugnance of a verdict to the evidence, that the verdict, the very thing to be tested, was itself to be received, as evidence of its own correctness?

Mr. Nicholas says, "to grant or refuse a new trial, in matter of discretion with the Judge, in criminal, as well as in civil cases; but that no Judge who understands his duty, will ever grant a new trial, in any case, except where he believes that justice has been violated by the verdict of the jury." These principles are loosely stated, and require much qualification to make them correct and practical. As it regards the first, the discretion which a Judge has over new trials, is a legal, and not an arbitrary discretion. It is not to be exercised capriciously; but according to settled rules. The second may stand with this explanation; that justice to a prisoner requires that the law should be administered; and that a violation of law, would be a violation of justice. But if the editor means, that

where a Judge may believe, that abstract justice has been done by the verdict of a jury, in finding a prisoner guilty, that, regarding his impressions, he may turn a deaf ear upon the accused, though the jury may have misconducted themselves, and violated the law in their finding; then, I say that he palpably misconceives the law. So regardless is law of life, that Blackstone, and all other sound law writers, lay it down that if a jury find the prisoner not guilty, he is forever acquitted, and on a new trial can be granted; but, if found guilty, then a new trial may be granted upon legal ground; and among the grounds laid down are, where the verdict is without evidence; or contrary to evidence. In the case of Desha, the new trial was granted because the verdict was without evidence, as an essential charge in the indictment. A very persuasive argument that this evidence was essential, results from the fact, that the place where the murder was supposed to have been perpetrated, being near the junction of three counties, some uncertainty existed as to the county in which it was committed; which the county surveyor of Mason was procured to run the line; and was present at the first trial, and, as I have been credibly informed, the second too; but, by a fatal omission, was neglected to be interrogated on that subject. When the lawyers for the Commonwealth, and there were no less than three, had thought it necessary, it is not remarkable that the Judge, who tried the cause, should have thought for it in Fleming, he deserved death; if in Mason, he deserved death. Were a man charged with stealing a horse, and there should be a want of evidence as to stealing a horse, but sufficient evidence that he stole a cow, and a jury should be so inconsiderate as to find him guilty, upon a motion for a new trial on the ground of a want of evidence, I presume the learned editor, were he an honorable judge in such a case, would overrule the motion, and gravely assign as a reason, that to steal a horse is a crime, and deserves confinement in the penitentiary; to steal a cow is a crime, and deserves confinement in the penitentiary; therefore, as to this indictment, a horse and a cow being the same thing, the motion is overruled. It reminds me of the liberal construction of a search warrant, by a sage Justice of Quorum, almost as learned in criminal jurisprudence as the editor, who, upon an application for a search warrant to search for a drawing-knife, turned to his forms, and not finding one for a drawing knife, but for a turkey, immediately drew the warrant authorizing a search for a turkey, and told the gaping constable to take that precept, and if, in searching for the turkey, he found the drawing-knife, to take it; that, if he found a turkey the owner ought to have it, and to take it; that form was nothing, and he could restore the property to the owner.

This circumpect editor, having a high personal regard for Judge Brown, has once or twice in his labored production, stated the ground upon which the Judge decided, fairly, to wit: "that it was not proved the offence was committed in Fleming;" but seeming to recollect that he had made the gasconading promise, in his 2d No. to prove that the Judge was unworthy of his station; and feeling that it was not yet redeemed; and that he could not deduce such an inference, if he adhered to the truth, towards the close he ventures out, not to tell Baker! No! I make no such charge; but, by falsehood and deliberate sophistry, to perpetrate a deed, scarcely less foul; to raise a popular excitement against the Judge, that might prove ruinous to his prospects and character. He states that the body of the murdered Baker was found in Fleming; he also enquires, what were the grounds of Desha's petition to the Court for a new trial, and answers himself thus: "Not that he was innocent, but that the Commonwealth had failed to prove by any witness, that the murder was perpetrated in the county, in which the murdered man was found." This is untrue. It was not the fact in evidence, nor was it the ground upon which the new trial was asked. There was no evidence to prove the county in which the body was found, and no distinction, such as that stated by the editor, was contained in the grounds assigned for a new trial, or in the short arguments of counsel, in support of them. The editor says, no matter where the offence was committed, he had deliberately selected the county in which he preferred to be tried, and that the special act of the Legislature was the only one under which Judge Brown could act. This is true; but can he be unmindful, that the only object, sought in the change of venue, was a more impartial county; that no proof is thereby rendered unnecessary, and that the very same act requires, that the Court should hear and determine the case of Desha, "under the same rules and regulations, as are prescribed by law for the trial of like offences;" and that, on the trial of all other indictments, the allegation of place, has been ever deemed essential in making out the proof?

Mr. Nicholas thinks that hired advocates, whom he chooses to denominate knaves, might urge such grounds. Does he mean that it is disgraceful to be hired advocates? Or did he mean any thing but to give vent to his vituperation, and thereby gratify his morbid, gaseous taste? About a quarter of a century ago, I have been informed, that one had his dwelling in the same town, where now breathes this partisan scribbler; one, an ornament to the bar, to the councils of the nation, and to human nature, who lives, and ever will, upon the brightest page of history! But no more; the contrast and the connection would render the picture too painful to behold. But now I recollect, this ambitious lawyer, with the black ball, was himself a pettifogging lawyer, and, I presume, not having merit enough to be hired to appear at the bar, has occasionally volunteered, no doubt, to the injury and dissatisfaction of the party whom he intended to serve; and, like the dog in the manger, as he could not get fees himself, he beholds, with envy, those who succeed better; and, therefore, makes low insinuations, and applies edious epithets, to counsel who have merit enough to be employed, in defence of human life.

Mr. Nicholas, whom some, burlesquing the profession, have called "lawyer Nicholas," in his 2d paper on this subject, has not stated a single fact, or used an argument conducing to show the incorrectness of Judge Brown's decision; but he has thought this omission required an apology. He was prejudiced by indisposition; occasioned, I suppose, by the violent, abusive effort, made to prove it in his first. These cases, according to the opinion of the most skillful accoucheurs, are always attended with the most danger and pain to the patient. He says (for the want of something more appropriate) that Judge Brown was one of the famous (in *Italics*, mean infamous) Legislature, which passed the law, and was friendly to its passage. This is true. He then exclaims, "when these facts are remembered, we cannot but feel, and express our astonishment that this gentleman should now dare to assert, in his judicial capacity, that this law is a dead letter, and of no effect."

When the question decided by the Judge was, "that upon the trial, proof was necessary that the offence was committed in Fleming, as charged in the indictment;" how could any fair or rational man say, that the Judge has asserted the law changing the venue, a dead letter, and of no effect. No, not these charges, reflections, insinuations and denunciations, are all designed to arouse and mislead public sentiment, and should the respected Judge of Mr. Nicholas, be nominated to the Senate to produce his rejection before that body. He has more than once admonished that august tribunal to a discharge of their duty, by administering to his malign passions. He has forgotten that the Senate, with whom, in this breath, he seems desirous to have influence, are composed, with few exceptions, of the same members, who constituted the famous Legislature, of which he had, a few sentences before spoken.

The residue of this 2d paper, in which we were authorized to expect a legal argument, has been devoted to the abuse of most persons in authority, occupying high and low stations, whether belonging to Lay or Clergy, and none more largely and cruelly than the Chief Magistrate of the State.—There has been the greatest injustice, and most refined cruelty, in dragging the Governor before the public, and in heaping the abuse upon him, which this, and kindred papers, have done. The exalted station which Gen. Desha filled, especially during the session of the Legislature, when this affair transpired, rendered him more exposed to public gaze than consisted with the afflicted feelings of a father; but duty urged, and he, obeying her call, remained at his post during the session: not so with an afflicted mother, who sunk under the severe visitation, and was banished from the circle, of which she was an esteemed ornament.

Every sound head and feeling heart, would have touched this subject with as much reserve as possible; and especially when speaking of the connexion between the accused and Chief Magistrate; but, on the contrary, because the Chief Magistrate did not whine and snivel away from the seat, to which his countrymen, with acclamation, had just elected him and gratify party ambition and animosity, by abandoning his office; the hue-and-cry has been raised, and vandalism has triumphed in their efforts.—The Governor throughout has done no more than an affectionate parent, an honorable man, and the Chief Magistrate of the Commonwealth, overwhelmed by such a misfortune, should have done. He has believed that a deep and long laid scheme existed for the sacrifice of his son; he has not sought to place him above the law, and has been equally determined, that he should not be sunk below it; he has been resolved that he should have, if his exertion could obtain it, that to which every citizen is entitled by the Constitution, an impartial trial; and therefore was instrumental by legitimate means, in obtaining a change of venue from Fleming; in which county, by extraordinary exertions, public feeling became so much disturbed as to burst forth in a public meeting; and, by many indications before and since the change of venue, has proved to demonstration, that an impartial jury could not be obtained there. That father must have been a brute who would have quietly permitted his son to have been put upon his trial, at such fearful odds.

The Governor was present in the committee room, when the bill for changing the venue of his son's trial, was under consideration; the impropriety of which though is unperceived; but it is untrue that he used any other than fair, legitimate, and public means, in regard to that measure. It is also true, that Mr. Wickliffe did take delight in seeing the Governor in the committee room; though it is but justice to the Governor to state, that he has ever protested against having it in view to alarm Mr. Wickliffe. During the trials of his son, the Governor has attended, and it has required but little discernment to perceive, through his manly brow, that his spirit was afflicted and bowed down, and his heart grieved; but he has had the fortitude and philosophy, which should characterize a Governor; he has not gratified the Furies that were ready to prey upon his misfortunes, had they broken his heart and overcome his reason. I speak it from unquestionable authority, and in the face of the hundreds who have constantly attended the trials of Isaac B. Desha, that the Governor, and his other sons, who were sometimes present held but little communication with their acquaintances, during this time; that they did not seek to extend their acquaintance; but acted with great reserve, moving no conversation upon this distressing subject; but avoiding it as much as possible; and that they mixed very little with the people; being among them only, in passing from their room to the court house, and back again; and whilst before the Court, showed no disposition to intermeddle, but remained silent and mortified spectators of the solemn and afflicting scene.

In his 2d paper on this subject, Mr. Nicholas, again overtake with an emotion of high personal regard for Judge Brown, has the kindness to say, "from his personal acquaintance with this Judge, that his errors have resulted from the head." Now I refer it to the intelligent friends of the editor, to say, how this admission comports with the declarations in other parts of his production; where he states that "Judges sworn to enforce the laws, have disgracefully aided in obstructing their execution." He charges the judge with polluting the fountains of criminal justice, and lending the laws to subvert the purposes of those invested with power. With "discriminating between the rich and the poor." He denounces him "a pliant Judge," and charges him with being "regardless of his duty, and that the Senate should therefore reject him." He denounces him "chief juggler in the judicial farce;" and that "he should be dismissed from office." He says he (the editor) "is called upon to expose those faithless functionaries who, to subserve their own purposes, have prostituted their principles and their dignity." He charges the Governor with "using the Judiciary as a humble tool." And yet this man of words, does not impute the motives, the integrity of the Judge; but attributes his errors to his head. Mr. Nicholas should not take exception to heads; for there are very few who would willingly exchange with him, when they find him wanting capacity to preserve consistency, through a short essay. This young man has a good selection of words; a sickly fancy that finds its chief pleasure in such chaffy productions as the *Children of the Abbey*, the *Errors of Education*, *Zumire*, &c. He has some light learning; but no settled, matured system of politics or ethics. Accident has arranged him in the ranks of contending parties; but being himself a secondary light, he reflects the feelings and views of the primary planets of his party, that have last beamed upon him; and should they cease alternately to shine upon and to warm him, he would suffer a total eclipse; and thus their new orb, would be lost in the darkness of chaos. The patrons of the Whig are advised to supply the establishment with a head, whilst they avail themselves of Mr. Nicholas' words

his fancy, his docility, and subserviency; or ere long the fat will be in the fire, and the whole blown up and blown out.

This modern political Janissary, hungry for his prey, and having snuffed blood from the tainted gale, in his temperate, legal argument, endeavors to excite passions, by deliberate falsehood; and then, not in the language of reason, religion, humanity, or law, (for all discountenance vengeance,) but in the language of a fiend, exclaims, "the violated laws of God and man are still unsatisfied, and the blood of the unfortunate Baker still cries to Heaven for vengeance." He pronounces the Judge (his acquaintance, so highly respected by him) a chief juggler, a knave, or a fool; denounces him as eternally disgraced, and invokes the vengeance of the public upon his head. What redoubtable, what rant, what fanatic! I fear much alarm to the women and children, should they read this legal argument; they may fear that this necromancer, who so solemnly invokes the people and high Heaven, might turn to the potentate of Pandemonium, (who much more respects his object) and raise to their frightful view, ghosts, fiends and devils, and set them all in full cry, after his much respected Judge.

These productions of the Whig, which may be considered his debut, and upon which he has exerted himself almost unto death, have received more attention than they merited; but being the only paper that has attempted an investigation of the subject, and not having done so with truth, with decency, or reason, the writer has, perhaps, occupied more of the public attention than he should have done. He thinks the specimens already afforded by the editor, are well calculated to realize the expectations of society, that laboring under the influence of difficulties, which it would be useless and impertinent to rectify, he has been seduced to become the desperate and reckless tool of his party; and his columns being already, may be expected to continue, a receptacle of slander and defamation, against individuals, occupying public stations, with whom he has the misfortune to differ in political sentiment; and it may be expected, being himself, as respects talents, information and principles, a light sham thing, that he will ponder to violent and gross tales, and that in him the licentiousness of the press will be indulged, and its freed on abused.

Judge Brown, I am told, is upon a tour, faithfully endeavouring to discharge the duties of a laborious District; where he will, likely, continue until his fate, as a Judge, may be settled; whilst this partisan traducer is laboring to defame him. All will acknowledge it to be right, that some acquaintance should ward off this blistering attack; of which Judge Brown has little means of information, and of which, if informed, he would not have time, if he had disposition, to notice. The writer stands pledged before the public for the truth of his positions.—He is a friend to the retaliating system; and should this knight, who seems disposed to tilt against decency, truth, and reason, feel any misgivings, he has but to cause his high priest to make another application of his searing iron to his conscience, and he will then be more chivalrous than to complain.

FAIR PLAY.

KENTUCKY RELIEF SYSTEM.

The Legislature of Kentucky at their December session 1820, established the Bank of the Commonwealth, which issued three millions of paper dollars, to save the state from convulsion and a large portion of the people from ruin.

The state of Kentucky had about twelve years before abolished the tardy and ceremonious proceedings of the common law in the courts, and adopted more prompt modes of recovery of money. The Circuit courts held three sessions in each year; and every suit stands on the docket for trial at the first term after it is commenced, provided the writ has been served on the defendant ten days before the meeting of the court. Three months of reprieve or stay of execution upon security given by the defendant, was allowed. Real and personal estate sold under execution without valuation, for whatever should be the highest bid. Under this state of law, which had been enacted in times of commercial prosperity, it will be seen that money can be coerced by execution, whatever the amount of the demand, in four or five months from the commencement of suit, and under the jurisdiction of magistrates, it could be recovered in a shorter time. This promptitude and severity of the administration of the law, could not be borne in 1820, because violence would have been committed on the property of debtors, and that too in the sacred name of justice. Export markets had failed for two years. The whole American people had found the balance of trade against them. Kentucky, like Ohio, lay within the circles of the districts of public lands then in market, and equally remote from the expenditures of the national Treasury. The old Bank of Kentucky had been in operation for near twenty years, the days of prosperity had made that institution valuable to the community and more so to the stockholders. In the declining days of our markets, the Bank true to herself, having issued and lent Bills which had circulated into the hands of merchants, foreign collectors, the national land officers, and the United States' Branch banks, had been cashed, and the borrowers left to pay the bank in specie; a sufficiency of which could not be obtained. The United States' Branches in Kentucky held three millions of debts upon the people, and the bank of Kentucky four and a half millions, besides the two foreign debts due eastern merchants, and Federal land officers. These and other debts between many private citizens, rendered the political enquiry by what mode the greatest sum of justice could be administered through the laws, one of no common interest. Three propositions were presented by politicians, and considered by the people and the legislature. 1st. a property or valuation system—2d. a law to pay debts by instalments—3d. To issue a paper currency, upon the credit and resources of the state. Many who were opposed to the two first propositions, were friendly to the third. But a respectable minority of the whole people and their representatives, from various motives were opposed to them all. A majority however were agreed to the proposition for a Loan Office or Commonwealth Bank, which was established as above stated, and an act was passed giving two years' reprieve or stay of execution to debtors whose creditors refused

to endorse that the bills of the Commonwealth's bank would be received. The above two measures in the first instance, constituted what is called the Relief System; to which, in 1821 was added an act, providing for the appraisal of property under execution, if required by the owner; and that it should not be sold for less than three fourths of its value, unless Commonwealth's bills would be received in which case there should be no appraisal. It will be perceived that the appraisal act, was enacted to moderate the temper and designs of the stockholders of the old Bank of Kentucky, and to influence the policy of that and the branch Bank of the United States. Without the protection of valuation, they could have ruined their debtors by purchasing up their lands for insignificant prices, by being the highest bidders, without competition. The effect was that the bank of Kentucky preferred the Commonwealth's paper in payment, to land and other property at three fourths of its value, so did many other creditors. And the United States Branches have been disposed to let their debtors or such as was solvent, pay by regular and moderate payments.

The first attempt in Kentucky to defeat the relief system, by its enemies, was to bring its constitutionality under judicial cognizance under the clause of the federal Constitution, prohibiting the states from "emitting bills of credit." This project was soon abandoned; as its promoters could not have maintained that the bills of this bank were bills of credit, unless all the bank bills in the United States were equally so. The practice of all the states have negated the idea that bank bills, not being forced by the law, is a tender, were within the meaning of the prohibition.

And at this point commences the history of the present political controversy in Kentucky; for there is not now, nor has not been for several years, any serious relief question. All parties agree that the Commonwealth's bank shall be gradually wound up; according to the terms prescribed in its charter, and if there are any who wish either to abolish it, or to hurry its ultimate settlement faster, they are prudent enough to keep their wishes to themselves, such are the professions of candidates on both sides, all declare the same intentions. In the Federal court of Kentucky, the first motion was made to quash a two years reprieve, upon the ground that the reprieve law was repugnant to that clause in the Federal Constitution which declares that "no states shall pass any law, impairing the obligation of contracts." The Federal Court overruled the motion and sustained a reprieve bond. A similar motion was made in the general court, held at the seat of government by two circuit judges, the court overruled the motion, and sustained the bond. Several of the circuit courts, in different parts of the state upon similar application made similar decisions. At length in 1822 one of the circuit courts decided the reprieve law unconstitutional and set aside the reprieve bond, an appeal was taken by the defendant to the supreme appellate court of the state, and at October term 1823, the court declared the act to be unconstitutional, and affirmed the judgment of the circuit court. The three appellate judges delivered separate opinions; one decided that any law allowing a reprieve, or delay of execution, whether enacted before or after the contract was made, is repugnant to the clause in the Federal constitution above quoted, and is void. The other two judges decided that if the reprieve law was in force, when a contract was entered into, the law was valid and binding as to such contracts, entered into before the enactment, it was unconstitutional and void. The legislature in session at the time the appellate court pronounced the above decision, took the subject into consideration, and by a large majority of both houses passed a preamble and resolutions, disapproving the decision of the court as a strained, and improper construction of the constitution.

The elections in 1824, principally turned upon the issue, this made up, between the court and the legislature, the result of the elections was against the court party, a decisive majority of both houses, were opposed to the constructions given by the court to the federal constitution. Here it may be proper to remark, that most of the anti-relief party, joined the court, and most of the relief party, were in favor of removing the judges from office, to prevent their decision from becoming a settled precedent. But a part of each party, changed sides, according to their opinions of state powers and state rights, and of the true meaning of the vague clause of the constitution, which had given rise to the controversy. The constitution of Kentucky in express terms authorizes the legislature to remove from office, any of the judges, for any reasonable cause, which shall not amount to cause of impeachment, provided two thirds of both houses of the general assembly concur therein.

In the session of 1824, there were not quite two thirds in either house, in favor of removing the judges from office; the vote of the house of representatives was 61 for removal, 39 against it; the proceeding in the senate failed in about the same proportion.

The great subject of this year's controversy arose upon the question whether an act of the last session, which repealed all acts and parts of acts, establishing the court of appeals, and reorganizing the court of appeals, under which four new judges were appointed, and the old judges consequently left out of office, was or was not, a constitutional act. This additional constitutional question, has added to the ranks of the anti-relief, and old court party, and in the delegation to the lower house, the old court party have gained in the late election, it is believed, as decided a majority as their opponents had last year. But it is supposed that very little, if any change has been made in the election of senators. If such is the fact, the result of the election would seem to be ominous of a compromise.

The inducements, to give in this state, this brief account of the political contentions in the state of Kentucky, has arisen from being in this state two or three weeks, and from conversations with many respectable men here, and that their information upon these subjects, have been principally derived from the court party prints of Kentucky, and quotations from them in the Ohio papers. Neither party in Kentucky deny the obligations of both federal and state constitutions as paramount law, nor the right of a court, a legislature or the people, to judge of them, and to decide upon their meaning. The act of the last session, reorganizing the court of appeals, requires the

concurrence of all the four judges to pronounce a legislative act unconstitutional; this legislative act, ascribed to relief men, thus, in plain terms, admits the authority of the court to decide an unconstitutional law void.

Again it seems to be believed in Ohio that the stay laws, and reprieve laws of Kentucky, will keep a creditor out of his money for a long time. The fact is, that a debt sued for, in Kentucky, under the present existing laws can be recovered, and the money received in little more than half the time that it can be done in the commercial and republican state of Ohio; for that such is the true character of Ohio, as with pride and candor admitted by the writers of the communication. Let us appeal to facts, The legislature of Kentucky enacted by the concurrence of both its parties, that all contracts entered into after the 1st of June, 1823, should be enforced according to the laws which were in force before the relief system was adopted. If for specie a judgment at the 1st term of the circuit court with three months stay of execution with interest, upon security given, as heretofore. If for currency in kind, in the same time, reserving that the old bank debts, renewed from time to time, according to bank usage, were not to be considered as new debts, but subject, in case of suit, to two years reprieve, unless Commonwealth's bills would be received; and at the same time repealed the appraisal or valuation law except as to landed estate. Hence it appears that Kentucky, so much abused by a pious minority of one of her parties, whether to her credit or not, or whether governed by the soundest policy or not, may challenge any of her sister states, lying half as remote as she does, from the commercial influences of the sea ports, to compare with her, the promptitude of their remedial institutions.

The state of Kentucky has lately received a broad affront upon her sovereignty, from the pioneering department of the general government, the federal judiciary; the strong right arm of consolidation; the supreme court of the United States; who have decided that the federal courts, held within the states respectively, are not bound by the state execution laws; but may make rules directing the proceedings to be had on their executions, and as to what property shall be liable, and when, and how, and whether the body shall be imprisoned. Under this decision the Kentucky federal court have made their rules considerably different from the state execution laws. Imprisonment for debt abolished by law in Kentucky is by the rule making power of the court, re-established. The valuation of land under execution dispensed with, contrary to the state law. One bed, the implements of trade, of spinning, and weaving and some other family articles are by the state laws exempt from execution; they have not been excepted by the law of the court. Kentucky is now resisting this tyrannical assumption of legislative power, which they contend never was granted, nor intended to be conferred on a judiciary by any constitution or law; nor do we believe it competent to congress, or any legislature, to delegate such power to courts or to any others. In our opposition to these strides of a national jurisdiction, it is to be hoped that every state will co-operate; this is to be done through congress.

In the hope that some remarks in public prints in this state, such as upon announcing the results of the late election in Kentucky, as decidedly in favor of the anti-relief party, and an expression of a hope that Kentucky will now return to correct principles, it is hoped and believed, has been published without due reflection or full information on the several topics, which have divided the people. It is to be hoped however that the anti-relief party, if they have gained the ascendancy, will be patriotic and republican enough to support the federal constitution as such, and not strain it by constructions, so far as to put down the constitutional rights and powers of the states, necessary for their internal peace and happiness, not jeopardize the federal government by a coincidence in opinion and conduct with a numerous and respectable party in most states whose constructions of the federal constitution would seem to have a strong tendency to convert it into a supreme national government, and who are the advocates of the supremacy of the federal judiciary, upon constitutional questions. Let the commercial influence obtain this ascendancy over the minds or apathy of the people of a majority of the states, and we may then bid adieu to state governments, and republican liberty in Kentucky the relief party, so much denounced, are known to be strongly attached to the support of all hazard, of the federal government, but when the constructions of the federal constitution, by supreme courts puts down state rights and the necessary powers of internal government, the right to enact, modify, and change their laws, as states have ever done, according to their own views of sound policy, the states must become extinct, and the powers of society will consequently devolve upon a national government in some form. Let the true friend of the constitution guard against such a result.

KENTUCKIAN.

FOR THE KENTUCKY GAZETTE.

In the "Kentucky Whig," of Thursday, October the 27th ult. a long editorial article is published, animadverting upon a decision given by me in the Madison circuit court, in a suit brought upon a note executed since the 1st day of May 1823, by which the obligor bound himself to pay a certain sum in specie.

The writer asserts, that, "upon the trial of this cause, I decided against the plaintiff; chiefly upon the ground that there was no such word as specie in our language; that it did not mean gold or silver; and that therefore I could not possibly ascertain the intention of the contracting parties. He then gravely proves that the word specie does mean gold and silver coin. This I think is the whole substance of this long essay.

From the manner in which my decision is represented by this writer, I suppose it would be generally inferred, that I had actually refused to give judgment upon a note, for the payment of a certain sum in specie, for no other reason, than because, the word specie, was in the note. If I could be convinced that I ever gave such an absurd decision as this, for a reason so absurd, I think I would most cordially agree with the learned editor of the "Kentucky Whig," in the very humble estimation in which he professes to hold, my capacity, and qualifications, as a Judge. For the very bad opinion which this gentleman seems to entertain of me, I really ought, (if I do not) to feel "very sorry."

I shall first give the law under which I decided—then the decision itself, as I gave it—and conclude with some remarks, in vindication of its correctness.

The reader is requested to examine, and consider.

the first and the fourth sections, of the law, in connection with each other.

THE LAW.

"An Act to amend an act entitled, 'An Act regulating endorsements on executions.' Approved December, 7, 1822.

"Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all contracts entered into after the first day of May next, for the express payment of any sum, in gold or silver, shall be enforced in all the courts in this commonwealth, according to the tenor thereof.

"Sec. 2. Be it further enacted, That a reprieve of three months only, shall be allowed to the defendant, in any judgment, pronounced upon any such contract, and if the plaintiff in any such judgment, shall endorse upon the execution issued thereon, that notes on the Bank of the Commonwealth of Kentucky, or on the Bank of Kentucky, will be received in discharge thereof, there shall be no reprieve thereof; and the clerk or justice of the peace shall endorse thereon, that no security of any kind shall be taken.

"Sec. 3. Be it further enacted, That the provisions of this act shall not be construed, to apply to any case, in which any bank, or other corporation, shall be plaintiff, or in any manner, directly or indirectly, interested; nor to any bond or recognizance, executed or acknowledged before any judge, or court of this commonwealth, nor to any note, bond or other writing, which may be executed in consideration of any debt, or other liability, which now exists, or shall have existed, anterior to the first day of May, 1823, notwithstanding the written evidence of such liability may have been destroyed and a new written contract thereafter executed.

"Sec. 4. Be it further enacted, That it shall be the duty of a jury, when called upon to pronounce judgment, upon contracts of the description aforesaid to connect with the evidence of such contracts, a statement, that it was rendered upon a written contract, for the express payment of the amount thereof, in gold or silver, executed posterior to the first day of May, and the clerk or justice of the peace shall make a similar endorsement upon any execution, that may issue thereon.

"Sec. 5. Be it further enacted, That the clerk or justice of the peace shall endorse on the execution which may issue upon such reprieve bond, taken under the provisions of this act, that no security of any kind shall be taken; and all property of every kind taken by virtue of such execution, shall be sold for whatever it will bring in gold or silver, any law to the contrary notwithstanding.

THE DECISION.

To the March term 1824 of the Madison circuit court, there was a suit brought, by way of summons and petition, on a note similar to the following, viz.

"For value received, thirty days after date, I promise to pay A. B. or order, one hundred dollars in specie, June 1st 1823. C. D."

Upon the calling of the cause, the defendant not appearing to make defence, judgment was taken against him by default, in the usual manner. And afterwards, the plaintiff's counsel moved the court "to connect with the evidence of said judgment," the following statement, viz.

"This judgment is rendered upon a written contract for the express payment of the amount thereof, in gold or silver, executed posterior to the first day of May, 1823."

"This motion the court overruled; and the statement was not connected with the enrolment of the judgment."

THE VINDICATION OF THE DECISION.

Was this opinion of the court correct? Is it not in accordance with the strict letter of the above act of Assembly? And in what particular does it violate its spirit?

Having been a member of the Legislature when this law passed, it is possible that my positive knowledge of the policy that induced its passage, as well as of its meaning, as it was then understood by the Legislature, and intended by them to be understood, by the people, and by the courts; may have some influence upon my mind in expounding it as a Judge. Some time prior to the passage of this act, gold and silver had almost vanished from circulation in Kentucky. By the advocates of this law in the Legislature, it was contended; that there was then as much gold and silver, in the country, as there ever had been, at any former period;—that the tardiness with which the collection of debts could be enforced by the operation of the existing laws under the most favorable circumstances, diminished confidence, and weakened credit; and that consequently, the precious metals, were hoarded. That the enactment of this law, giving a summary and rigorous mode, of coercing the collection of debts contracted under it, and in strict accordance with its provisions, would restore confidence, and revive credit; and the country would soon again be blessed, with an abundant metallic circulating medium. The sole object and policy of the law, was to bring out into active circulation, the gold and silver coin, which it was then supposed, was locked up in large quantities, idle, in the strong-boxes of the country.

When this law was first introduced in the Legislature, the word "specie" was in it; out in its progress through that body, this word was stricken out and the words "gold or silver;" substituted for it, wherever it occurred. It was thought that the words "gold or silver" were more clearly and distinctly understood by the great mass of the people; than the word "specie;" and that the use of the words, "gold or silver," in this law, instead of the word "specie," might prevent deceptions from being practised, upon the unwary, and the ignorant. The commencement of the operation of this statute, was postponed from the date of its passage, till the first day of May following; that the people might have time to be advised of its true import, and legal meaning and effects, prior to making contracts under it. The Legislature certainly intended that it should receive a strict and liberal construction; and that all contracts not expressly stipulating payment, in "gold or silver," should be excluded from its operation; and left to be enforced by the previously existing laws; and it does appear to me, that this intention, is most clearly, and unequivocally, expressed by the statute.

The first section declares, "That all contracts in writing entered into after the first day of May next for the express payment of any sum, in gold or silver, shall be enforced in all the courts in this commonwealth according to the tenor thereof." The fifth section of the act shows what the Legislature intended when they declared that the contracts described in the first section should "be enforced according to the tenor thereof." They simply intended that "all property of every kind," the sale of which should be coerced by authority of law, to discharge a debt due upon the kind of contract mentioned in the first section, "should be sold for whatever it would bring in gold or silver." They intended that it individuals would "expressly" stipulate in writing, to pay in "gold or silver;" and should fail to comply, that the property of such individuals, so failing, should be sold for whatever it would bring, in the very kind of thing, viz. (gold or silver) expressly in writing stipulated by them to be paid.

The fourth section of this act prescribes the kind of statement which it is made the duty of tribunals rendering judgments upon contracts of the description mentioned in the first section to connect, upon the record with the enrolment of such judgments. How can a Judge, with truth certify, that a judgment "was rendered upon a written contract for the express payment of the amount thereof in gold or silver," when the words "gold or silver," are not, in fact, expressed, on the face of the written contract upon which the judgment was rendered?

But it has been contended, that the word "specie" being a word having the same signification, of the words "gold or silver," ought to be considered as equivalent to these, for the purpose of bringing contracts within the scope and provisions, of this gold and silver law.

To this argument, it is a sufficient reply, that the Legislature did not intend that the word "specie"

should have the same legal effect, in written contracts for the payment of money for the purpose of bringing them within the scope of provisions of the statute, as the words, "gold or silver," were intended to have;—because, this same word "specie," which was originally in the statute, they struck out of it prior to its final passage and substituted in its place, the words, "gold or silver;"—and because, as I understand the language of the law itself, it clearly conveys to my mind, the idea, that its coercive energies, extend only, to such contracts for the payment of money, as have, upon their face literally expressed, the words, "gold or silver," or at least one of them.

Prior to the passage of this law, a note for one hundred dollars, a note for one hundred dollars in specie, and a note for one hundred dollars in gold or silver, would each have had, precisely the same meaning and legal effect. They would each, have obliged the respective obligors, to pay one hundred dollars, in gold or silver coin of the United States; and the word each have been collectable in the same time, and manner. If a note executed since the 1st day of May 1823 for one hundred dollars in specie, should be included within the scope of the gold and silver statute; upon what principle can a note executed since that period, simply for one hundred dollars be excluded from its grasp? If a contract for dollars in "specie" should be brought within the operation of this law because the word "specie" means gold and silver dollars; a contract simply for dollars should also be embraced by it, because in this country we have no lawful dollars, but such as are composed of gold or silver; and because the word dollars means specie; and also, "gold or silver."

This mode of applying the statute, would make it, in a race of all written contracts executed posterior to the first day of May 1823 for the express payment of dollars; which certainly was not the intention of the Legislature; nor can their language be made to bear this construction by any fair mode of expounding it.

This law was intended to operate only upon the class of contracts, specifically described in its first section. In applying a statute, which is plain and unambiguous in its meaning, I believe it to be the duty of a Judge, neither to narrow nor to enlarge its scope by constructions but to give to it the operation which the Legislature intended.

I never did decide, as it has been asserted, that the word "specie" did not mean "gold and silver;" but I did refuse to certify judicially, upon the records of the Madison circuit court, that the word "specie," was the words, "gold or silver."

As to the meaning of the word "specie," I believe that I have always understood it, and used it, very much in the same way that my fellow-citizens generally do. I suppose it to be a latin word, meaning in English, sort, or kind.—It is generally used now, ever in common conversation, and by some of the most classical writers, in reference to gold and silver coin; the law writers when they use it generally imply it in its original sense. I believe it is generally understood to mean, in its popular acceptation a mingled mass of gold and silver money, and it may also be supposed to include in its meaning, in this country the copper coin, of the United States. But all this does not, in my mind, prove that I ought to have certified judicially, that the word "specie" was the words, "gold or silver."

The works of Adam Smith and David Hume are no doubt valuable; but they are not the sources whence a common law Judge, would naturally expect those lights to emanate which should guide him in giving a correct construction, to a dark, or an equivocal, Legislative enactment,—or to a contract of dubious meaning. For useful information on such a subject as this, he would, with more probability of success, look into Blackstone's commentaries, and Bacon's Abridgment. For this purpose it is probable that even Jacob's Law Dictionary, would be of more real value, either to a Lawyer or a Judge, than all that was ever written, by Smith and Hume.

I am not convinced that my decision was wrong; nor that it is a matter of much importance to the community, whether it be so or not. No appeal, I believe, was taken from it. If the parties are satisfied, why should others complain?

With the defendant in this suit, at the time that I gave the decision, I was not acquainted, nor do I now recollect his name. The plaintiff I had long known, and entertained for him feelings of friendship and respect, and I have every reason to believe that his feelings then were, and still are, of the same character towards me. If under these circumstances, my decision was erroneous, it cannot reasonably be supposed, that the error originated in any improper or impure motive. The plaintiff got his judgment, and the only effect of my refusal to state upon the record, that the word "specie" used in the writing sued on, was the words "gold or silver" required by the statute, was to leave the judgment to be collected by the laws in force, prior to the first day of May 1823. If the defendant obtained a right by this decision to a longer reprieve than he would have been entitled to, if I had made the statement moved for, he could not enjoy it, without making the debt with the accruing interest upon it safe, by giving good security.

Other Judges, before whose superior legal attainments, I bow with deference, have decided this same question, in the same way that I have decided it, and as I believe, for the same reasons. If we have decided wrong, the court of appeals is the proper tribunal efficiently to correct the error. In my case however, it seems, that this tribunal, is not deemed sufficient. I am dragged to the bar of public opinion, and a judgment of condemnation is clamorously demanded against me. And for what terrible offence? Why because, I have decided a naked legal question, of the least conceivable importance, just exactly, (in my own opinion) as it ought to have been decided. But if I am mistaken the error is venial. What motive then, can prompt so zealous a prosecution?

I am wholly unable to conceive any *dequale* or just motive, for conduct so unreasonable, and so much calculated to injure me, without extending any benefit to the public.

GEORGE SHANNON.

Lexington, Nov. 1, 1825.
(The insertion of the above publication in such newspapers as have given currency to misconceptions in relation to Judge Shannon's decision, will command his most respectful acknowledgments.)

Tennessee Legislature.

GENERAL JACKSON'S RESIGNATION.

Previous to the reading of his resignation, he was received by both houses, in the Representatives hall, and addressed by the Speakers of both Houses.

To the Honorable, the Speakers of the Senate and House of Representatives.

Two years ago, by the unsolicited suffrage of the Legislature I was preferred to the situation at present occupied by me, of Senator in Congress.—Pursuing the principle by which I had ever been governed, neither to seek after, nor decline office, the appointment conferred was accepted. Aware of the practice which had long prevailed, of selecting from each end of the state, a person for the high and respectable situation of Senator, I felt regret at being brought forward to disturb a system which had so long been maintained; yet inasmuch as the Legislature, without any knowledge or understanding on my part, had called me to the situation, it was impossible to withhold my assent; and accordingly the appoint-

ment was, though reluctantly, accepted; not however without its being proffered by my friends, that a longer term of service than one Congress, would neither be required or expected. That service has been performed, I was still pondering, and in doubt, whether exceptions to my resignation might not be taken; and it might not be proper for me to execute the full term which you had assigned, when my mind was brought to a conclusion by some late proceedings of your own, and a determination formed, to surrender immediately back into your hands, the responsible trust you had heretofore confided.

One inducement to my determination was that travelling to the City of Washington twice a year, imposes an inconsiderable fatigue; and although this is a minor consideration, and one which would have been met with cheerfulness, if business involving the interests of our happy country had required the exertion; yet I was aware of great national importance when was likely to come before Congress, respecting a subject that you have lately had before your body, the amending the constitution of the United States in relation to the choice of a chief magistrate. Upon this matter I greatly doubted whether it might not be my duty again to appear in the Senate and extend my feeble aid, towards producing an alteration in which great interest with the people of the United States exists; and on which the security of our republican system may depend. But being advised of a resolution of your body, presenting again my name to the American people for the office of chief magistrate of this Union; could no longer hesitate on the course which I should pursue, I don't yield to certainty, and I determined forthwith to ask your indulgence to be excused from any further service in the councils of the country.

Situated as I am, my name presented to the freedom of the United States for the first office known to our constitution, I could not, with any thing of approval on my part, consent either to urge, or to encourage a change, which might wear the appearance of being induced from selfish considerations—from a desire to advance my own views. I feel a thorough and safe conviction, that imputation would be ill founded, and that nothing could prompt me to an active course on any subject which my judgment did not approve; yet as from late events, it might be inferred that the prospects of your recommendation could be rendered probable, only by the people having the choice given to them direct, abundant room would be afforded to ascribe any exertion I might make, to causes appertaining exclusively to myself. Impulses thus made would I assure you, be extremely irksome to any person of virtuous and independent feelings, they would certainly prove so much and hence the determination to retire from a situation, where strong suspicions might at first attach, and with great seeming propriety. I hasten therefore to tender this resignation into the hands of those who conferred on me the appointment that in the exercise of their constitutional rights, they may confide it to some one meriting their confidence and approbation.

Being about to retire once more to private life it may be the last time, probably that I shall have an opportunity of addressing you. Permit me to suggest to you then, some remarks upon the proposed amendment of the constitution of the United States.—Our political fabric being regulated by checks and balances, where experience assures us, that those which have been resorted to are inefficient; or that however well their boundaries have been defined by the parchment of the constitution, some new barrier to the encroachments of power or corruption in any of the departments of government is necessary; a corrective should be applied, and it is the duty of the people in justice to themselves to see that one is provided. There is no truth more sacred in politics, and none more conclusively stamped upon all the state constitutions, as well as the federal constitution, than that which requires the three great departments of power—the Legislative, Judicial and Executive, to be kept separate and apart. But simple and manifest as this truth is, the difficulty of carrying it in practice with constitutional restraints, still remains, and forms a question whether in its amendment the wisdom and virtue of the present generation may not be usefully employed. Gratitude to the founders of our happy form of government certainly cannot be lessened by honest efforts on our part to improve, or rather to fortify, the blessings which have been transmitted to us, with such additional guards as experience has proved to be necessary.—Upon this principle I venture freely to accord with you in the contemplated change proposed to the constitution; and indeed would go farther.—With a view to sustain more effectually in practice, the anxious which divides the three great classes of power into independent constitutional checks, I would propose a provision rendering any member of congress ineligible to office under the general government, for and during the term for which he was elected, and for two years thereafter, except in cases of Judicial office, and these I would except for the reason that vacancies in this department are not of frequent occurrence; and because no barrier should be interposed in the selecting to the bench men of the first talents and integrity.—Their trusts and duties being of the most responsible kind, the widest possible range should be permitted, that proper and safe selections may be made. The politician may err yet his error may be presently retrieved and no considerable injury result; but with Judges particularly in the last resort, error is fatal because without a remedy.

The effect of such a constitutional provision is obvious. If by congress in a considerable degree will be free from that connection with the Executive department, which at present give strong ground of apprehensions and jealousy on the part of the people.—Members instead of being liable to be withdrawn from Legislating upon the great interests of the nation, through prospects of executive patronage, would be more liberally confided in by their constituents; while their vigilance would be less interrupted by party feeling and party excitement.—Intrigue and management would be excluded. Nor would their deliberations, or the investigation of subjects consume so much time. The morals of the country would be improved—and virtue uniting with the labours of the Representatives, and with the official ministers of the law, would tend to perpetuate the honor and glory of the government.

But if this change in the constitution should not be attained, and important appointments continue to devolve upon the Representatives in Congress, it requires no depth of thought to be convinced that corruption will become the order of the day and that under the garb of conscientious sacrifices to establish precedents for the public good, evil may arise of serious importance to the freedom and prosperity of the Republic. It is through this channel that the people may expect to be attacked in their constitutional sovereignty, and where tyranny may well be apprehended to

spring up in some favourable emergency. — Against such reports every guard ought to be kept, and none better occurs than that of closing the suspected avenue with some necessary constitutional restriction. We know human nature to be prone to evil—we are early taught to pray that we may not be led into temptation; and hence the opinion that by constitutional provisions all avenues to temptation on the part of our political servants should be closed.

My name having been before the nation for the office of chief magistrate during the time I served as your senator, placed me in a situation truly delicate. But delicate as it was my friends do not and my enemies cannot charge me with descending from the independent ground then occupied, or with degrading the trust reposed in me, by intruding for the presidential chair. As your honorable body have, by a resolution, thought proper again to present my name to the American people, I must entreat to be excused from any further service in the Senate; and to suggest in conclusion that it is due to myself, to practice upon the maxims recommended to others, and hence feel constrained to retire from a situation where temptation may exist and suspicion arise of the exercise of an influence tending to my own aggrandizement.

Accept I pray you for yourselves and tender to the honorable bodies over which you respectfully preside my sincere regard.

ANDREW JACKSON.

Hermitage, Davidson County, Oct. 12, 1825.

PREAMBLE AND RESOLUTION.

Whereas the free expression of opinion in regard to public measures being an unalienable right, secured to the citizens of this great Republic by the fundamental principles of our happy Constitution, the Legislature of the State of Tennessee, assembled at the Seat of Government, regarding this right as sacred, and deeming it advisable and proper to recommend to the citizens of this Union, a person qualified to fill the office of Chief Magistrate of the United States again, venture to offer to their consideration their distinguished fellow citizen, ANDREW JACKSON.

In expressing for him their decided preference they feel a strong assurance that they are induced by no motive of state pride or personal consideration; they are alone actuated by a desire to promote the public good, and preserve in purity the happy institutions of their common country. A personal acquaintance with the man his uniform political course—his unbending integrity, and devotion to his country amidst trial and danger; and above all his high minded and disinterested course, during the last session of Congress, when the highest office known to a free people, was apparently within his grasp—all point to the conclusion that there is no citizen, whether in peace or in war, in whom this country can & should more surely confide. To his merits as a statesman; to those of his own state, who have had so many abundant proofs, no reference need be made, while the whole country is full of the knowledge of that sincere devotion which he gave to the interest, the happiness, and glory of this nation, in the hour of trying necessity. Eulogy and praise form no part of our object; they have already been loudly spoken by the American people. In making these expressions we but give utterance to the feelings of our fellow citizens, who have honored us with their suffrages—and hence we cannot but yield our implied and unlimited confidence in that man whom no danger could prompt to the surrender of our rights or hope of personal aggrandizement induce to depart from the line of right and duty. With such a person at the head of this great Republic, we may repose in security that none of our constitutional privileges or national rights, will be compromised, whilst a cheering hope will arise that those plain republican habits and principles which have characterized our country, and which if we would remain a happy, free and united people must be maintained, will again spring into existence and grow into fashion.

We claim no right to dictate to or frustrate public sentiment; we profess no such principle; we speak only in the character of Americans and of freemen, claiming only the common privilege of an opinion, when our own and our country's interest is involved, intending only respectfully to submit our opinions to the consideration of our fellow citizens. We profess not to be the partisans of any man or set of men; neither are we contracted in the least by aught of sectional inducement. All we desire is to present for consideration, the appointment to the first office in the nation such an individual as we are persuaded will guard his trust with strict fidelity; preserve scrupulously the multiplied and happily arranged checks, and balances of our Government and who will maintain and lead us safely on in the great career of Republicanism. Such a man, we believe our fellow-citizen, Andrew Jackson to be.

Therefore, Resolved by the General Assembly of the State of Tennessee. That General ANDREW JACKSON, of this state, be recommended to the Freemen of the United States, as a Fellow Citizen, who, by his numerous and faithful public services, in the cabinet and in the field; his energy and decision, his political qualifications & strict adherence to the principles of Republicanism, merits to be elevated to the office of chief Magistrate of this Union, at the next Presidential Election.

TO THE PUBLIC.

SOME few days ago a person brought to the Subscriber a number of his change tickets to receive Commonwealth paper, in the package there was a certain number of Tickets Counterfeited, although they had the same Stamp as the genuine, but the signature is very badly imitated and easily detected, those I refused to pay but gave the person the Commonwealth paper for the genuine ones and returned to him the Counterfeits.

Those same persons, though they know the said tickets were counterfeited, have still thrown them again into circulation spreading the report that I did not redeem my tickets any longer and that he fore long, I would fail. It is not certainly for the sum of 120 Dollars which is the whole amount that I have now in circulation that I would be guilty of so mean an action.

And in order to convince the public of the wickedness of those persons, I promise a reward of \$10, to any one who will produce the author of such a calumny.

JOHN DEVERIN.

October 23 1825—43—11

THE annual meeting of the Female Benevolent Society, will take place in the Second Presbyterian Church on Monday the 7th, inst, at ten o'clock; the members and friends are invited to attend.

THE GAZETTE

EDITED BY JOHN BRADFORD.

FRIDAY EVENING, NOVEMBER 4, 1825.

Monday next is the day when the Legislature is to meet in Frankfort. It seems to be the general opinion that it will be the most interesting session ever held in the state. How the important question which has for some time agitated the country will be settled there does not appear to have been any decided opinion formed by either party.

That it has been in the power of the old judges, ever since the passage of the law repealing the act establishing the court of appeals &c passed, to have put an end to this political dispute by their resignation, all will agree; but how the resignation of the new appointed judges could have effected that end, we do not comprehend. For notwithstanding the result of the late election was a fair expression of public sentiment on the question of the constitutionality of the law alluded to, yet more is required to make that law null and void, than the bare expression of the opinion of the people at the polls; the only effect that expression can or ought to have, would be to influence the Legislature to repeal the law. And as the legislature are not vested with power to declare the acts of their predecessors unconstitutional, the repeal of the law, cannot reinstate the former judges.

If the present Judges of the court of appeals should on the meeting of the legislature resign their appointments, (which we confidently hope they will,) all will be accomplished which their opponents seem to desire; and notwithstanding it would no doubt have gratified their enemies if they had resigned long since, yet it would have been improper in them to have done so, because it would have been the duty of the Governor to have filled the vacancies, occasioned by such resignation, and that would only have excited indignation against their successors, without appeasing a single individual.

As the question respecting the courts has grown out of the relief system, and as many of our readers may not now recollect the beginning and progress of the measures composing that system, we have copied a piece from the Ohio "Western Argus" into this day's paper signed "KENTUCKIAN," which we think contains a correct history of the proceedings on the subject; we therefore recommend an impartial reading of that piece.

EDUCATION OF THE CHOCTAWS.

We are informed that the Chief men of the Choctaw Nation of Indians, have sent to the care of Col. Richard M. Johnson, twenty-one youths, to be educated in that neighbourhood; we understand that the boys are generally very promising. We also understand that very good arrangements have been made to accommodate them—and the object is to manage them in every respect as if they were the sons of respectable farmers—they are to be taught by the Rev. Thomas Henderson, who it is believed possesses high qualifications to manage them, and to prepare some of the most promising to graduate in Transylvania University—we rejoice to see such a spirit of improvement among our red brothers; and here is presented in the bosom of our own country, a field for the operations of that liberal spirit, which has induced many of our citizens to send clothing and other necessities, out of the country to these people.

In our last we gave a list of all the crowned heads in Europe, the following is a list of all the Governors in the United States.

Governors of the respective States,
Maine—Albion K. Paris.
New Hampshire—David L. Morrill.
Vermont—Cornelius P. Van Ness.
Massachusetts—Evel Lincoln.
Rhode Island—James Fenner.
Connecticut—Oliver Wolcott.
New York—De Witt Clinton.
New Jersey—Isaac H. Williamson.
Pennsylvania—John Andrew Shultz.
Maryland—Samuel Stevent.
Virginia—James Pleasants.
North Carolina—Hutchins G. Burton.
South Carolina—Richard J. Masning.
Georgia—George M. Troup.
Kentucky—Joseph Desha.
Tennessee—William Carroll.
Ohio—Jeremiah Morrow.
Louisiana—Henry Johnson.
Mississippi—David Holmes.
Indiana—James B. Bay.
Illinois—Edward Coles.
Alabama—John Murphy.
Missouri—Fred'k. Bates, lately deceased.

LATEST FROM ENGLAND.

NEW-YORK, OCT. 16.
The fast sailing ship American, cap. Jovan, arrived yesterday from Liverpool, whence she sailed on Sunday the 11th ult. We did not receive our regular files, but are indebted to Captain M. and a passenger for London and Liverpool papers of the latest dates, and also, a circular—from which latter it appears that a further reduction had taken place in Cotton. There had been no further failures in Liverpool but we understand a small broker in London had stopped in consequence of speculations.

Our readers will perceive with pleasure by the extracts below, that the accounts from the Greeks are more favourable than any which we have had for a long time past.

The English Funds had improved.
The London Courier of the evening of the 9th says: "A great sensation has been produced this morning in the city, by reports that the Burmese war is at an end." The intelligence of the fall of the Burmese Empire reached London through a circuitous route, letters having been put on board the London China ship at sea, by a French vessel bound from Singapore to Bordeaux.—The letters are dated Singapore, April 9th, and state the report of the complete subjugation of the Burman Empire by the British forces, and the capture of its golden footed monarch and his capital Ammrapoor. It will be recollected that accounts have been received in New-York from Calcutta on the twentieth of April, which, by no means, confirm this intelligence. There can, therefore, be no doubt

that the statement received in London is a fabrication.

Three Hattien envoys had arrived in France to negotiate a loan, in order to fulfil the conditions of the ordinance. Baron Mackau had been created a Rear Admiral.

No less than forty-five companies have been formed in London to establish Steam-Packets in every quarter of the Globe.

London, September 9.

German papers, to the third inst. arrived this morning. The news from Greece which they contain is satisfactory, and we sincerely hope it will be confirmed. It is stated that the agents of an European Power had attempted to produce the fall of Missolonghi, by a misrepresentation of the state of affairs in the Morea; but the power which they represented is not mentioned.—The following are extracts.

TRIESTE, Aug. 24.

Letters from Corfu of the 11th August, and from Zante of the 6th, which perfectly agree with each other, state that on the 31st of July (2d of August) the second attempt to carry Missolonghi by storm, was made by Redschid Pacha, on the land side, and by the Captain Pacha on the sea side. The Greek reports estimate the force of the Turks that made the attack by land, at 30,000 men, and that on the sea side at 4,000 who approached in 104 boats and rafts. The garrison, however, repulsed every attack, and Mianis who had hastened to the spot with a Greek squadron, is stated to have burst during the attack, a Turkish frigate and two brigs, and to have taken a brig and nine boats full of troops.—The Greeks estimate the loss of the Turks at 9,000 men.

According to the same accounts, the Captain Pacha, after these events, had retired to Patras and seems since to have entirely left the coast of Western Greece, since, according to letters from Zante of August 6, it is asserted that he had been seen from that island steering southward.

Before the Turks attempted the second assault, the agents of a European power endeavoured to persuade the inhabitants of Missolonghi to surrender, assuring them that the insurrection was entirely put down in the Morea. The Greeks however gave no credit to this assurance, but declared that they were resolved either to conquer or to die. The schooner, on board which these European agents were, then withdrew from the harbor to the roads, and was witness to the defeat of the Turks.

FROM THE STATESMAN. THE COMET.

This interesting aerial stranger which attracts so much notice, is now approximating to apogee, and in its course demonstrates the correctness of the astronomical opinion concerning the obliquity of these bodies. Different opinions concerning comets have been entertained in different ages of the world. Some under the influence of superstition, have attributed to them an agency of an ominous nature, supposing them to be the precursors of national commotion; while others have viewed them as intended by the God of nature to supply the sun with fuel. That precise estimates can be made of the periodical recurrence of comets, is evident from the calculations of Sir Isaac Newton, Eerguson, and others; but here their investigations on this subject appear to be limited. The great question proposed by the distinguished founder of the Aristotelian sect of philosophers viz. What supplies the sun with fuel? has been answered, of necessity, by himself.—Comets. But this gave rise to an argument posteriori. What supplies comets with fuel? This mode of reasoning depending upon a secondary cause for a solution, was soon brought to a *ne plus ultra*.

The irregular motions of comets and the eccentricity of their revolution have embarrassed the calculations of astronomers both ancient and modern and prevented them from arriving at any definite decision respecting their agency. It has however been fully ascertained that they form a part of the Solar System; frequently approaching very near the sun, and then, as it were, subjected to the control of a sudden impetus to fly off beyond the most distant planet. About 400 have been discovered; but a few of these have been known to return. The intervals of their appearance have been ascertained to be 75,100, or 200 years.

The one that is now visible has returned after a lapse of 70 years and the calculations respecting the time of its recurrence have been very precise. I am inclined to subscribe the Aristotelian doctrine that comets are instrumental in supplying the sun with fuel, notwithstanding the difficulties with which this belief is attended.

From the New York Statesman. TO DYERS.

Barwood, the most valuable of all the known dyes producing red, appears but little known in this country. The color it imparts is highly permanent, much more so than other red dyeing wood. Beautiful clarets are made on wool with this wood, and a small portion of copperas. It is used in all shades of brown, and in the making of dark bottle greens.—With alum, it gives yellowish brown reds to wool, of durability. This color may be saddened and varied by employing solutions of iron or copper with it, either alone or conjointly with alum. The dark red, which is commonly seen upon the British imitation of Baidanino, or East India silk handkerchiefs, is commonly produced by the coloring matter of bar-wood, saddened by sulphate of iron. It is much employed for giving a dark ground for blues dyed with indigo, but more generally for blues intended for mixtures, whereby much indigo is saved. This color is put on the wool or cloth prior to dipping in the blue vat. From 1 to 2 pounds of barwood is used for twenty pounds of wool, in which the wool is boiled the usual time, saddened with four ounces of copperas to twenty pounds of barwood. Those who object to copperas, may darken the wool with a small quantity of pearlash, which may be put in with the wool before boiling it.

AN EXCLUSIVE DYER.

PUBLIC SALE.

BY virtue of an interlocutory Decree made at the February term 1825, and amended at the September term 1825, in the Fayette circuit court wherein William Corbin is complainant, and William Palmator, defendant. I shall on Monday the 11th day of December 1825 at the Court House door in the town of Lexington, between the hours of 10 o'clock A. M. and 3 o'clock P. M. proceed to sell the mortgaged lot, to the highest bidder, on a credit of three months (purchaser giving bond and security;) the bond to be discharged in notes on the bank of the commonwealth of Kentucky. The lot is described, as designated by the letter A in the plot of the town, binding on Short street 17 poles and running back 40 poles being part of a four acre lot and adjoining the lot of Mrs. Parkers at the lower end of the town, and nearly opposite to the Baptist grave yard. Title indisputable.

GEORGE W. MORTON.

Commissioner.

Nov 2, 1825—44—15

NEW GROCERY STORE.



JAMES F. BRADLEY,

RESPECTFULLY informs the citizens of the Cross-Plains and the country adjacent thereto, that he has opened a New Grocery Store in the house lately occupied by Mr. William Nicholas as a Store; he will keep a constant supply of GROCERIES, TIN-WARE, and QUEENSWARE which will be sold as low as they can be had in Lexington. He will barter for Hogs' Lard, Feathers, or Beeswax.

Cross-Plains, October 27th, 1825—44—11.

NEW GOODS.

Alexander Parker,

HAS just received from Philadelphia, in addition to his former assortment, and now opening at his Store opposite the Court House in Lexington, a choice assortment of

GOODS.

Among which are the following articles:
BROAD CLOTHS & CASSIMERS, assorted
Cassimets and Satinets, do.
Rose Blackets, do.
3 & 4 Point, do.
Twilled and Plain Bombazettes, do.
Plain and Striped Jeconettes, do.
Cambric & Mulmul Muslins, do.
Italian, Mantua & Nankeen Crapes, do.
Merino and Bandanna Handkerchiefs, do.
Blue, buff and light coloured fancy Prints, do.
Dark, and coloured Gingham, do.
7 8, 4-4, 5-4, and 6-4 Cotton Sheetings, do.
Best Sea Island Shirting, do.
Best steam loom, do.
Ladies' cotton and worsted Hosiery, do.
Single and double sole Morocco Shoes, do.
Misses Morocco Slippers, do.
Valencia Slippers, do.
Children's Morocco Shoes, do.
Best Loaf Sugar, and Coffee, do.
Best Imperial Gunpowder Tea, do.
Which will be sold for Cash, on very moderate terms
Lex. Oct 29, 1825—44—11.

PRINTING.

A few genteel boarders can be accommodated, with diet, lodging, firewood and candles, at \$3 specie per week. Apply to Mrs. N. Prentiss on Main-Street, four doors below the Post Office.
Lex. Nov 3, 1825—44—11.

Printing and Wrapping Paper.

FOR SALE at this Office, a quantity of Super Royal Printing Paper of good quality; also Medium Wrapping Paper.
Nov 4, 1825—44—11.

Transylvania University.

Medical Department.

THE Introductory Lectures will commence on Monday next, in the Chapel of the University, at 12 o'clock, and will be continued throughout the week at the same hour. The friends of Science are respectfully invited.

DR. DUDLEY, on Monday.
DR. CALDWELL, on Tuesday.
DR. DRAKE on Wednesday.
DR. RICHARDSON, on Thursday.
DR. BLYTHE, on Friday.
DR. SHORT, on Saturday.

DANL. DRAKE, M. D. Dean.

Oct 31, 1825—44—11.

LAW LECTURES.

J. Bledsoe and C. Humphreys, PROPOSE delivering a course of Lectures on Law, respectively during the ensuing season, commencing the 1st Monday in Nov. and ending the first of March. The pupils of both will have the use of their joint libraries, and the Tickets of both will not exceed 50 dollars in currency, and five dollars for contingent expenses. Their Tickets may be taken separately, and the instructions of one or both be had at the option of the students. They will lecture on different branches of the science. J. Bledsoe on Common Law and Statute Law, including on various branches the remedy in equity and C. Humphreys on equity, Maritime, Mercantile law & the practice of law, including actions and pleadings. A legislative assembly and moot courts will be held.

J. BLEDSOE,
C. HUMPHREYS.

Sept. 30, 1825—39—11

LAW LECTURES.

An introductory Law Lecture will be delivered in the court room on Monday next at ten o'clock by Charles Humphreys. Judge Bledsoe will be necessarily absent during that week holding even court and will not commence his Lectures until the Monday following.

Nov. 4 1825—44—11.

Journeyman Printers.

WE wish to employ immediately, Two or Three Journeyman Printers to work at book work. The best wages will be given.
Knoxville Register Office,
Knoxville, Tenn. Oct. 7, 1825. }

TANNERS MAP OF THE UNITED STATES.

THE subscribers to Tanager's Four Sheet Map United States are respectfully informed, that in consequence of the immense mass of original matter, chiefly new surveys, which has been recently received by the author, and which it is important to incorporate into the Map, the publication of it will necessarily be delayed for some time. The delay will, however, be productive of much advantage, as it will enable the author to render his Map infinitely more correct and satisfactory, than if it had been hurried out, before the receipt of the new surveys just mentioned, as well as those now in progress, which would not be added to the Map, if engraved, without distorting in some measure the parts adjacent to such additions.

Due notice will be given of the publication of the work.

Editors of Newspapers who have published the prospectus for the Map, will oblige the author by inserting the above in their respective papers.
Philadelphia, Oct. 3-6t

LEXINGTON

HOPE FOUNDRY.

Will. H. Delph

HAS commenced the above business in all its branches, opposite the upper end of the Upper Market, where he is ready to make all kinds of

Brass & Iron Castings

On the shortest notice, and on the most reasonable terms.
CASH will be given for OLD COPPER, BRASS, PEWTER, and IRON.

Lexington, Oct. 14, 1825—41—17

LATEST FASHIONS.

ABM. S. & ILIJAH H. DRAKE,
MERCHANT TAILORS.

HAVE the pleasure of announcing to the public, that they have just received from Philadelphia the FALL FASHIONS, and a general assortment of superior Blue, Black, and Gray CLOTHS, CASSIMERS, and VEST PATTERNS; together with a good assortment of Trimmings of the best quality,—all of which were carefully selected and purchased on the best terms for cash in hand, by their friend and Agent, a Merchant Tailor, of Philadelphia; and they pledge themselves to the public, that they will sell the above articles on the lowest terms for Cash—and their work shall be executed in the most neat, tasty and fashionable style. Their Shop is kept in Main street, a few doors below Mrs. Keap's Inn.

Two or three Journeymen wanted.

October 3, 1825—40—11.

Second Drawing

OF CLASS NO. 2,

LOUISVILLE HEALTH

LOTTERY,

Will take place at Louisville within

TEN DAYS.

Present price of Tickets in Lexington, at

PIKE'S OFFICE.

\$3 each, but will soon rise to \$3.50.

October 3, 1825.

9TH CLASS

Grand Masonic Hall Lottery,

WILL BE DRAWN the last of this month. Tickets THREE DOLLARS each. A discount of ten per cent. will be made to those who purchase SIX or upwards.
Orders from abroad (Post Paid) addressed to JAMES M. PIKE, Lexington or Louisville, will receive the same prompt attention as if personal application were made.

October 3.

"This is the time of day, my Flower!"

non Locut.

152,000 DOLLARS!!!!

TO BE OBTAINED AT THE

LOTTERY OFFICES OF

James M. Pike,

In Lexington or Louisville,

By purchasing Tickets in the

MARYLAND STATE LOTTERY,

Which will be drawn in Baltimore

IN A FEW DAYS.

MADAM FORTUNE

Distributes the above Splendid sums in

PRIZES OF

30,000 DOLLARS!!!

10,000 DOLLARS!!!

5,000 DOLLARS!!! &c. &c. &c.

A few Tickets ONLY remain on hand which can now be purchased for \$6— on this day week they rise to SEVEN.

October 3 1825—40—11.

State of Kentucky,

Fayette Circuit Court—September Term 1825.

Louisa Moore Compt. }
against } In Chancery.

Thomas Moore Def't. }

THIS day came the Complainant by her Counsel and it appearing to the satisfaction of the Court, that the Defendant is not an Inhabitant of this Commonwealth, and he having failed to enter his appearance agreeably to law and the rules of this Court, On the motion of the Complainant it is ordered that unless the said Defendant do appear here on or before the first day of the next February Term of this Court, and answer the Complainant's bill (which prays for a divorce) the same will be taken as confessed against him, and it is further ordered that a Copy of this order be inserted in some authorized public News Paper published in this Commonwealth for two months successively according to law.

A Copy—Teste,

A. GARRETT, d. c. c. c.

Oct. 14th 1825—41—9w*

COTTON YARNS,

WARRANTED of a Superior quality, at very

Reduced prices, viz:

Five hundred, at 20 cents specie.

Six hundred, and all over, at 16 2-3 specie.

May be had at the Stores of Mr. John W. Hunt,

Messrs. Pritchett & Robinson, Dr. E. Warfield,

or at the cotton store of Postlewait, Brand, & Co.

Lexington, Oct. 7th 1825—41—11.

PUBLIC SALE,

BY virtue of a Decree of the Fayette Circuit Court, I shall proceed to sell at public sale on a credit of twelve, eighteen and twenty-four months the purchaser giving bond & security, to have the force and effect of a replevin bond, payable in gold or silver, That valuable

LOT OF GROUND,

Lying on Main Cross and Second streets in Lexington being the land lying between Janney's Hope Walk and the first Presbyterian Church. This is a beautiful and very valuable lot, having a front on Main Cross Street of upwards of three hundred and forty-one feet, and a front on Second Street of four hundred & thirty-five feet or so much thereof as will amount to the sum of \$3000 with interest from the 31. day of July 1825, until paid, with costs of suit. The Lot will be subdivided in such a manner as will best suit purchasers. The sale will commence on the premises on Saturday, the nineteenth day of November next, between the hours of two and three o'clock in the afternoon.

DAN. BRADFORD Com'r.

Lexington, October 13, 1825—41—1m.

One Hundred Dollars REWARD.

WAS Stolen or forcibly taken from my groom,

or a Elask man named Ned. A beautiful

BAY Horse

Near 16 hands high some white in his face, both hind feet white, 5 years old last spring, with a beautiful long switched tail; paces trots and walks well, and in fine training in order to run.

Just as the black man was taking said horse on the track to train him, he was met by a mob of four persons with clubs [just before sunrise] who seized the horse and took him away by force. It can be proven that Doct. John Webb, Thomas Modley, and two other fellows who call themselves Burris and Howard were seen lurking round my stable last night [4th Oct 1825] and in and around the race field before day this morning, and stole or took said horse by force and arms. Whoever brings said horse to me, and either of the mob in whose possession they may find the horse, I will pay the above reward, or \$50 for the horse alone.

ROBERT BAILEY.

COLUMBIA, Ky Oct 9, 1825—41—3t.

Every Editor in the state will please to insert the above three times and forward their accounts to the Editor of the "Columbian Reporter" for payment, and oblige.

R. B.



POET'S CORNER.

FOR THE GAZETTE.
Mr. Bradford—If you think the following lines worthy of a place in your paper, you are at liberty to insert them.

HOPE.

When lost upon life's stormy sea,
O trouble and despair;
Thro' clouds of sorrow oft we see
Hope's cheering beacon there.

When dangers compass us around
Hope is a soothing friend;
She points above where joys abound
And all our sorrows end.

When on disease's bed we lie,
Expecting not to rise;
Hope whispers, that tho' doom'd to die,
We'll reign above the skies.

When wretched man in deep despair,
The hills of life endure;
When friends forsake, and ev'ry care
Comes crowding to the door,

When biting frost and chilling snow
Transform fair nature's face;
Poor, hungry, naked wretches know
Their troubles cannot last.

For Hope points out a land of rest,
A country free from strife;
Where all in harmony and peace
Enjoy eternal life.

OSCAR.

FOR THE GAZETTE.

AUTUMN.

The beauty of Summer is gone,
Sweet flowers no longer are seen;
All nature looks sad and forlorn,
Disrobd of her mantle of green.
How dimly of late, Phœbus shines
Dark clouds oft obscuring his face;
But Luna her lustre retains
When Summer to Autumn gives place.

The wind whistles over the plain,
The landscape its beauty has lost;
Those sweet feather'd songsters are flown
To regions unreach'd by the frost.
And now from the climes of the north,
Cold winter will shortly appear;
Rude Boreas driving her forth
In her snowy and ice-garnish'd car.

So youth, spring of life, has its flowers,
And summer matures them anon;
But subject to clouds and to showers
Their sweetness alas! soon is gone.
The autumn of life brings disease—
Then malice and envy and strife,
Oh! robs us of joy and of peace,
In the desolate winter of life.

OSCAR.

FOR SALE,

A valuable Tract of about 165
Acres of

First rate land,

Lying on Cane Run about five miles from Lexington,
on land, on the Iron Works road, on which
there is a log Cabin, and 25 acres cleared; the remain-
der.

WELL TIMBERED WITH TIMBER OF
THE FIRST QUALITY,
And furnished with an

ABUNDANCE OF STOCKWATER.

One or two likely NEGRO SLAVES between the age
of 12 and 20, will be received in payment. Apply to the
Editor of the Gazette, October 7, 1825—49-1f

State of Kentucky,

Fayette Circuit Court—September Term 1825.
Bartholomew Hunt, Compt.
vs.
Edmund B. Pearson, Def't.

ON the motion of the Complainant—It is ordered
that, unless the defendant (who as ap-
pears by the satisfaction of the court, is not an inhabit-
ant of this commonwealth, and has failed to enter his
appearance herein agreeably to law, and the rules of
this court) does appear at or before the first day
of the next February term of this court, and answer
the complainant's bill herein, the same will be taken
as confessed against him—and it is further ordered,
that a copy of this order be inserted in some authorized
newspaper published in this commonwealth, for two
months successively, according to law.

A Copy—Teste, THOS. BODLEY cfc c.

39-2m

Tavern in Shelbyville.

R. BRENHAM,

Has removed from the house he recent-
ly occupied, to the yellow house on
the south side of Main Street, where travellers
may meet with every accommodation necessary
for their ease and comfort. He has made exten-
sive improvements in the house, and has built a
new stable not inferior to any in Kentucky. He
solicits patronage, and will give satisfaction to all
who may call upon him.
Shelbyville Sept. 1825—38-8f

FOR SALE,

A LOT in the town of Lexington, with con-
venient BRICK BUILDINGS in a pleasant
part of the town, suitable for a private family, which
can be had on good terms. For further particulars
enquire of the Rev. Adam Rankin Lexington, or to
the subscriber living on the road near the late resi-
dence of Col. Wm. Russell.

Sept. 30, 1825—39-1f

SAMUEL RANKIN.

Lexington Brewery.

THE subscribers having rented the above estab-
lishment for a term of years, will be ready in a
few days to supply this Town and the neighboring
Towns with

Porter, Beer and Ale,

of superior quality and at reduced prices; orders
from the country directed to the BREWERY
through the Post-office will be attended to.

CASH paid for Barley on Delivery
—ALSO—

Fifty cords of good wood wanted
MONTMOLIN & DONOHUE,
October 20, 1825—42-1f.

N. B. All letters must be post paid



OFFICIAL PRIZE LIST. Of the 8th Class,

Grand Masonic Hall Lottery.

Drawn in THIRTY DAYS from its annunciation.
THIS ONE THOUSAND
DOLLAR PRIZE.

Came up to number 4661.

And was sent either to Shelby or Jefferson county,
which of the two we are not yet positively cer-
tain.

OTHER FORTUNATE TICKETS AS FOLLOWS.

7	393	20	734	1035
8 20	431	20	71	47
11	47	73	61	1000
15	504	77	62	10
28	16	81	76	50
33	22	96	80	10
57 10	35 20	805	90	100
89	57	18	1105	10
105	59	21	10	34
7 10	71	20	60	20
32	74	41	100	68
61 20	93 10	48	71	100
74	610	20	62	78
204	14	74	10	83
12	20	10	90	50
36	45	93	20	72
45	57	905	82	
46	72	10	10	85
64	83	50	20	10
67	95	33	1317	10
78	96	10	40	73
32	714	43	10	1400
337	22	1004	17	
47 50	24	5	25	10
69	33	23	20	

Those Numbers to which no sums are affix-
ed, are prizes of \$5 each.

The highest Prize having come up to No. 1,061
which is an ODD NUMBER, all Tickets ending
with 1, 3, 5, 7, 9, being ODD NUMBERS, are en-
titled to TWO DOLLARS each agreeable to
Scheme.

The money for Prizes is ready counted, and will
be paid immediately upon presentation of the
Prize Tickets.

The 9th Class is up,

And will positively be drawn upon the same plan as
the above, within SIXTY DAYS.

Scheme same as 7th class.

TICKETS are now TWO DOLLARS AND FIFTY
CENTS ONLY—but will rise to Three Dollars on the
20th Instant.

The Certificate of the Magistrate, Trustees
and others, required by law to superintend the
drawing of the 7th Class, is filed in the Manager's
Office, and open at all times for the inspection of
the public.

J. M. PIKE, Manager.

Friday, 4 o'clock, Sept. 2, 1825.

CABINET WAREHOUSE.

THE Subscribers having united in carrying on
the Cabinet Business, under the firm of
WILSON & HENRY,

Take this opportunity of informing the pub c, that
they occupy the same stand for so many years in
possession of Robert Wilson. His Shop has been
rebuilt, and is well stocked with tools and workmen
of the best kind. The firm has laid in an excel-
lent stock of MASONRY, as well as every other
material necessary for their business, and they can
safely say, that they are prepared to execute with
neatness and dispatch, any order in their line.

They will in a short time, have a large assort-
ment of Sideboards, Bureaus, Bedsteads &c. finish-
ed, and will be glad to see their friends call and ex-
amine for themselves.

Mattresses,

Made at the shortest notice, and in superior style.

ROBERT WILSON,
JOHN HENRY.
Lexington, Sept. 1st, 1825—33tf

LAW NOTICE.

JOHN M. McALLA,

WILL practice LAW in the Circuit Courts of
Fayette and Jessamine Counties, and in the
County Court of Fayette. His office is kept on
Short Street opposite Col. Owing's Iron Store, in
the room lately occupied as a Medical Shop by Dr.
Warfield.

Lex. Sept. 20th 1825.—38-6m

MEDICAL COLLEGE

OF SOUTH CAROLINA
THE LECTURES of this Institution will be
resumed on the second Monday of November
next, as follows.

On Anatomy—By John Edwards Holbrook, M. D.

Surgery—James Ramsay, M. D.

Institutes and practice of Medicine—Samuel Hen-
ry Dickson, M. D.

Materna Medica—Henry R. Frost, M. D.

Obstetrics and diseases of women and infants—
Thomas G. Prioleau, M. D.

Chemistry and Pharmacy—Edmund Ravenel, M. D.

Natural History and Botany—Stephen Elliott, M. D.

S. HENRY DICKSON, M. D.
Dean of the Faculty.

August 25.—38—till 20th Nov.

\$100 specie Reward!!!

RAN AWAY from the subscriber living near
Lexington, Fayette County (Kentucky), on the
28th day of December last, a Negro Man named

QUILLA:

About 21 years of age; about 5 feet 8 or 9 inches
high, slender made, of copper complexion; he had
on a grey lincey coat and pantaloons, took with
him a drag grey coat with 3 or 4 capes, with other
clothing not recollected. I have reason to be-
lieve the above slave is either in the state of Indi-
ana, Illinois or Ohio, or on board some Steam
Boat.

I will give the above reward for the said slave
taken out of the state of Kentucky, or fifty dollars
in like money if taken within the State of Ken-
tucky, on delivery of him in Lexington.
May 23d 1825. 21-1f. WM. E. BAIN.

The National Republican at Cincinnati will
give the above advertisement 4 weeks insertion
and forward their account to this office for pay-
ment.

A CARD.

Abram S. & Elijah H. Drake,
TAILORS,

WOULD inform their friends and the public
generally, that they have associated them-
selves together in business, and have made a perma-
nent arrangement with one of the most fashionable
and celebrated Shops in Philadelphia, to furnish
them with every change of fashions, immediately on
their arrival from London. They pledge them-
selves, with confidence, to all who may please to fa-
vor them with their orders, that their work shall
be executed in the most neat and tasty style.

They have on hand for Sale a few pieces of
CLOTH & CASSIMERE,

low for Cash, and also a few sets of SPRINGS
for gentlemen's riding Pantaloons, &c. Their Shop
is kept in Main Street, a few doors below Mrs.
Keen's Inn. Ladies and Gentlemen please call and
see us.

ELIJAH H. DRAKE,

Has just returned from Philadelphia and New York,
where he has spent upwards of twelve months in the
best shops in those Cities, for the express purpose of
obtaining a perfect knowledge of the most modern
and improved modes of CUTTING and MAKING all
kinds of garments for gentlemen in his line; and
also, LADIES' RIDING DRESSES and PELECES. He
has brought with him from Mr. Watson's Shop,
Philadelphia, a new Suit, made in the most splen-
did and fashionable style.

Lexington, July 22, 1825—29-6m

MARNIX VIRDEN,

REPECTFULLY informs his
friends in Lexington, as well
as visiting strangers, that he has
provided himself with

A COMPLETE HACK.

And strong gentle horses, and is now ready to accom-
modate such as may please to favour him with their
custom. He intends driving himself, and from more
than four years experience in driving in Lexington, he
feels confident that his character as a safe and careful
driver has been so well established, as to insure him a
full share of public patronage. His residence is on
Mill street, near the Lexington Steam Mill, where
those who wish his services will please apply.

Lexington, July 29th, 1825—30-1f

Vegetable Curative
Medicine.
THE subscriber, composes,
(after the manner of DOCT-
OR LEROY,) the above Medi-
cine; which during the late
sickly season, has cured upwards of fifty persons of
both sexes, of the Dysentary and other bilious com-
plaints.

The superior advantages of this Medicine are
such as not to deter any person from taking it, hav-
ing an agreeable taste, and incapable of injuring
the weakest constitution. It may with safety be
given to an infant one week old, being attended
with little, or no pain during the operation.

The above medicine, with proper directions for
taking it, may always be had at the shop of the
subscriber, situated on short street opposite the
Court House Lexington.

JOHN DEVERIN.

Grease Spots!!!

DIRECTIONS for using the Water to take
out grease spots from all Woolens Cloths,
Silks, and Stuffs.

With a clean sponge, dipped in this cleansing
water, rub the part soiled or greased, then rub
the cloth between the forefinger and thumb of
both hands; take another sponge dipped in vine-
gar, and use it in like manner, to preserve the col-
our; let it dry, and the spot is entirely removed.

This Water may, at all times be had at
JOHN DEVERIN'S Confectionary Store, Short
street, Lexington, Ky.

September 9, 1825—36-2m

Journeymen Blacksmiths.

I will give liberal wages to a few journeymen,
well acquainted with the Blacksmith's business, and
who can come well recommended.

JOHN EADS.

Lexington March 24, 1825—12-1f

Farmers Attend!!!

I WISH to sell my Farm in Shel-
by County, five miles south of
Shelbyville, known by the name of
WALNUT GROVE; containing
165 ACRES OF
First Rate Land;

About 75 acres under fence, with a good spring
and plenty of stock water, and with one additional
line of fence about 60 or 70 acres of the woodland
can be enclosed.

A Brick dwelling House,
51 by 24 feet wide; two rooms and a passage below
and above stairs, with Cellars under the whole.

A Brick Smoke House, Stables,
Corn Crib and a Still House, an orchard of about
80 bearing Apples Trees, and a young orchard of
100 trees of choice fruit. It is part of a Military
Survey and a General Warrant Deed will be made.
This tract is perhaps equal to any other of its size
in the county, and inferior to very few in the state.

BENJ. MEASON.

Sept. 13, 1825—38-6f

J. M. PIKE
WANTS TEN SHARES OF OLD KENTUCKY
BANK STOCK. Please apply at his LOTTE-
RY & EXCHANGE OFFICE.
Lex Feb. 24 1825—4-1f

The Old Blind Man,
WILL accommodate his friends with Alma-
nacs at the following places:

At Versailles, on the first Monday in October
and November.

At Georgetown, on the first Monday in January.

At Frankfort, from the first Monday until the 3d
in December.

At Winchester, on the fourth Monday in De-
cember.

At Lexington, when he is not at either of
the above places.

JOHN CHRISTIAN.
Those Printers in the above towns who are
friendly to the OLD BLIND MAN, will confer
great obligation on him by giving the above two
or three insertions in their respective papers.

BLANKS

OF ALL KINDS, FOR SALE AT THE
GAZETTE OFFICE.

LA MOTTE'S COUGH DROPS.

Important Medicine for Coughs and Consump-
tions.

THIS Elixir is not offered to the public as infal-
lible, and a rival to all others, but as possess-
ing virtues peculiarly adapted to the present pre-
valing disorders of the breast and lungs, leading to
consumption. A timely use of these drops may be
considered a certain cure in most cases of

Common Colds, Coughs, Influenza,
Whooping Cough, Pain in the Side, Difficulty
of Breathing, Want of Sleep

arising from debility; and in Spasmodic Asthma it is
singularly efficacious. A particular attention to
the directions accompanying each bottle is neces-
sary.

The following certificates from respectable gen-
tlemen, physicians and surgeons, are subjoined,
to show that this composition is one which enlighten-
ed men are disposed to regard as efficacious and
worthy of public patronage.

Having examined the composition of Mr. Cros-
by's improvement upon

La Motte's Cough Drops.

we have no hesitation in recommending them to
the public, as being well adapted to these cases of
disease for which he recommends it.

Doct's. Jonathan Dorr, dated Albany, Dec. 4.
1824: James Post, of White-Creek, Feb-
ruary, 14th, 1825: Watson Sumner and
John Webb, M. D. of Cambridge, Feb. 20th
1825: Solomon Dean, of Jackson, Jan. 20th
1825

Mr. A. Crosby—I am pleased with this oppor-
tunity of relating a few facts, which may serve in
commendation of your excellent Cough Drops.
For ten years I was afflicted with a pulmonary
complaint; my cough was severe my appetite weak
and my strength failing. I used many popular
medicines, but only found temporary relief, un-
til by a continued use of your valuable drops, I
have been blessed with such perfect health, as to
render further means unnecessary.

Rev EBENEZER HARRIS.

Salem [N. Y.] January 12th, 1825.

Prepared by A. CROSBY, sole proprietor,
Cambridge, (N. Y.) whose signature will be affix-
ed in his own hand writing to each bill of direc-
tions. Be particular that each bottle is enveloped
in a stero or check label, which is struck on
the same bill with the directions

Sold wholesale and retail, by Dr. G. DAWSON
Pittsburgh—J. CHAMBECKER, Wheeling—P.
M. WEDDELL, Druggist, Cleveland—
PRAY and MEACH, Druggists Buffalo—O. &
S. CROSBY, Druggists Columbus—GOOD-
WIN, ASHTON & Co. M. WOLF & Co. A.
FAIRCHILD, Druggists Cincinnati—BYERS
and BUTLER, D. WILSON, Druggists Lou-
isville—and retail by J. D. THOMAS, Win-
chester Ky and at the

Drug Store of James Graves,
Lexington, Ky.

Each bottle contains 45 doses; Price One Dollar
single; nine Dollars per doz.
May 25th 1825—1 year.

GREENVILLE SPRINGS.

The undersigned has taken the Celebrated Wat-
tering Spring called THE GREENVILLE
SPRINGS, near Harrodsburgh, Ky. and has put
them in complete order for the reception of Vis-
itors.

The prices of Boarding &c. will be on moderate
terms.
THOMAS Q. ROBERTS.
May 2, 1825—19-1f.

Queensware & China.

JAMES HAMILTON,

MAIN STREET,

HAS imported direct from Liverpool a large and
extensive assortment of Liverpool and China ware
selected with care expressly for this market, contain-
ing

Blue Printed Dining Ware new and elegant patterns,
do. do. Tea do do.
do. Plates, Tassels & Mullins,
do. Oval Dishes,
do. Covered do. very handsome,
do. Soup Fureens
do. Sauce do
do. Bakers and Nappies,
do. Mugs and Pitchers,
do. Bowls, Basins and Ewers,
do. Teapots, Sugar and Creams,
do. Coffee Bowls and Saucers,
do. Tea cups and Saucers &c. &c.
Gold Band Tea sets, some very handsome,
Enamelled edged and C C ware of every descrip-
tion which will be sold whole sale or retail, at a very
small advance for cash.

CASH will be given for a few tons of
HEMP.

Lexington, May 12, 1825.—19-1f.

Saw Notice.

JAMES O. HARRISON,

WILL practice LAW in the Fayette Courts, his of-
fice is kept above the office of the Clerk of the
County Court
Lex July 15, 1825—28-1f

LAW NOTICE.

JAMES SHANNON, Late of Wheeling, Va.
WILL practice law in the Circuit and County Court
of Fayette, and the Circuit Courts of Bourbon
and Jessamine. All business entrusted to him will re-
ceive prompt attention. His office is on Short Street.
Lex Dec. 20, 1824—25-1f.